

UNITED STATES BANKRUPTCY COURT OF THE SOUTHERN DISTRICT  
ONE BOWLING GREEN  
NEW YORK, N.Y. 10004-1408

8/28/2014

**REQUEST FOR APPEAL**

**RE: CASE: 12-12020 (GMAC) RESIDENTIAL CAPITAL**

**ATT: JUDGE GELNN MARTIN; A MOTION IS HEREBY SUBMITTED FOR HEARING REGARDING CASE 12-12020.**

**IT HAS BEEN NECESSARY TO ADDRESS THE ISSUES CONCERNING DEBTORS ACTIONS WHICH HAVE BEEN MISREPRESENTED IN RESPECTIVE COURTS.**

**IN THE MATTERS BEFORE THE COURT FRONT AND CENTER HERE & NOW ADDRESSES MISREPRESENTATIONS MADE BY GMAC COUNSEL BEFORE THIS COURT THAT THEY HAVE BEEN RESPONDING TO NUMEROUS INQUIRIES FOR REVIEW SPECIFICLY THE CLAIM BEFORE THIS COURT. PART OF DEBTORS TACTICS, HAVE PROVEN TO BE TOXIC RELATING TO CONTINUOUS MISREPRESENTATIONS WHICH AMOUNTS TO PERJURY WHEN REPRESENTED BEFORE ANY COURT JUDGE. THE ACTIONS IMPLIED IN YOUR RULINGS TO BE OBSERVED IN YOUR COURT SHOULD THEY BE AGREGIOUS MERIT SANCTIONS WHEN SHOWN TO SHOW BLAINT DISREGARD FOR THE TRUTH, IN COUNSELS DECLARATIONS.**

**AS IN THIS COURT, GMAC REPRESENTATIVES HAVE ASKED THE CALIFORNIA COURT TO BE RELEASED FROM ACTIONS AGAINST GMAC ON THE BASIS OF THE STAY IMPOSED, HAS GREATLY PREJUDICED CASE PREVENTING CONFERENCE HEARINGS PENDING STAY REMOVAL.**

**IN MY PRESENT REQUEST, I DEMAND COUNSEL PRODUCE FOR THIS COURT AT REQUESTED HEARING ALL COMMUNICATIONS REPRESENTED TO THIS COURT BY SOUNSEL'S DECLARATION ON 8/26/2014 TO HAVE HAD WITH ME CONCERNING CLAIM#452.**

**AS YOU HOLD ALL CREDITORS FEET TO THE FIRE WHEN PERJURING THEMSELVES, I NOW REQUEST SAME RIGHTS TO ISSUE AT HAND.**

**GMAC COUNSEL HAS REQUESTED THE COURTS TO RELEASE ALL ACTION AGAINST GMAC WHICH HAVE BEEN PENDING STAY REMOVAL.**

**I NOW COME BEFORE THIS COURT SHOWING AS BEFORE THAT THE BAR FOR RELIEF HAS BENN MET AGAIN, AS DEBTORS WRONGDOING CAUSED PROPERTY TRANSFER TO LIEN HOLDERS WHICH WERE IN CONTRACT AGREEMENT, AND IN REMOVING COMPLETE PARAGRAPHGS OF CARRYIG SUCH HAS CAUSED THIS.**

**AS DESCRIBED AT THIS COURT, NOW RECENTLY DECISIONS HAVE POSTPONED RESOLUTION OF THIS CLAIM, WHICH INSTEAD OF DEBTOR T=ATTEMPT TO REVIEW HAS ONLY GIVEN ANOTHER TACTIC TO AVERT CLAIM AND NOT ONLY THIS BUT YOUR RULING GIVES DEBTORS INDEFINITE EXTENTIONS OF CLAIM REVIEW.**

**I LIKE TO KNOW IF THIS COURT WILL CURE AND ASSUME MONETARY LOSS TO OUR FAMILY IN MAKING THE DECISION TO EXTEND?.**

**IN MY REQUEST FOR APPEAL HEARING REQUESTE ON THIS COURT TO BE SCHEDULED ON ISSUE OF PERJURY AND AS DEBTORS ASKED TO BE RELEASE FROM CALIFORNIA ACTION PENDING STAY REMOVAL THAT A STIPULATION BE MADE BY MORRISON & FOERSTER OF SUBSTANTIAL COSTS INCURRED AS ALL ACTION WERE SUSPENDE PENDING CONCLUSION OR RESOLUTION OF 12-12020 CASE.**

**AS COURT CANNOT WAIT FOREVER TO HAVE STAY REMOVED, AND EXTENTION GREATLY PREJUDICES MY CLAIM, IT IS INCUMBENT ON THIS COURT TO SEE THAT MY RIGHTS HAVE NOT BEEN TRAMPLED BY DEBTORS.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN RE: [REDACTED]

MEMORANDUM OF DECISION

ON PETITION FOR WRIT OF HABEAS CORPUS

JOHN J. [REDACTED], Petitioner, v. [REDACTED], Respondent.

JOHN J. [REDACTED] ("Petitioner") seeks a writ of habeas corpus from the Southern District of New York ("SDNY") to vacate his conviction and sentence for [REDACTED] ("Respondent").

Petitioner's conviction and sentence were entered by the SDNY on [REDACTED] ("Date of Conviction"). Petitioner claims that his conviction and sentence are unconstitutional and should be vacated.

Petitioner's conviction and sentence were entered by the SDNY on [REDACTED] ("Date of Conviction"). Petitioner claims that his conviction and sentence are unconstitutional and should be vacated.

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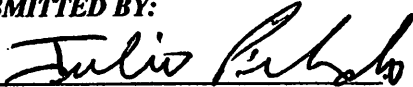
**BY EXTENTION GREANTED WHICH DIRECTLY AFFECTS RELEASE REQUESTED BY DEBTORS & ARE ISSUES TO BE ADRESSED AT HEARING AND APPEAL MOTION REQUESTED IN THIS CORRESPONDENCE.**

**AS MY CLAIM & CASE HAVE BEEN PREJUDICED BY COURTS DECISIONS, I INTENT TO SHOW PERJURY AND MISREPRESENTATIONS WERE INTRODUCED TO THIS COURT IN VIOLATION OF MY RIGHTS.**

**EVIDENCE WILL BE SUBMITTED AT HEARING SHOWING EXTENT OF PREJUDICE CAUSED BY DEBTORS ACTIONS, PROPERTY TRANSFERANCE BY LIEN HOLDERS AND EXTENT OF FINANCIAL DAMAGES SUSTAINED.**

**THEREFORE I REQUEST AN APPEAL AND A HEARING BEFORE THIS COURT TO HAVE THESE MATTER ADDRESSED ON SUBMITTED WHICH INCLUDED APPEAL REQUEST OF MOTION DOCKETED 7355.**

**RESPECTFULLY SUBMITTED BY:**

**JULIO PICHARDO** 

*cc: Morris & Foster*

AS OF THE DATE OF THE FILING OF THIS PETITION, THE DEBTOR HAS NO OTHER ASSETS OR LIABILITIES THAT ARE KNOWN TO THE DEBTOR OR ANYONE ELSE.

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**MORRISON & FOERSTER LLP**  
**250 W. 55<sup>TH</sup> ST.**  
**NEW YORK N.Y. 10019**

7/22/2014

**TO: MORRISON & FOERSTER**  
**RE: RESIDENTIAL CAPITAL LLC 12-12010**

**IN THE ABOVE CAPTIONED MATTER; PENDING BEFORE THE N.Y.S.D.B.C.**

**I THE MATTER RELATING TO CLAIM #452. THIS IS TO INFORM YOU THAT AS PER BANKRUPTCY COURT PRECEEDINGS RELATED TO CLAIM BEFORE THE N.Y.S.D.B.C., RESIDENTIAL CAPITAL LLC IS UNDER LIABILITY FOR CLAIM #452 BEFORE THE HONORABLE JUDGE GLENN MARTIN FOR PERSONAL INJURY & HARM CAUSED TO JULIO PICHARDO BY GMAC UNDER PROOF CLAIM #452. FILED 9/4/2012 A MATTER WHICH IS PENDING DIRECTED UNDER PROPOSED PLAN WITH DATE OF 12/11/2013 WITH EFFECTIVE DATE OF 12/17/2013.**

**THE ABOVE PROOF OF CLAIM IS REGISTERED UNDER "PRIORITY CLASSIFICATION".**

**AS SUCH, CREDITOR HEREBY REAFFIRMS ITS CLAIM FOR ACTIONS DECLARED BEFORE THE HONORABLE JUDGE GLENN MARTIN.**

**SUCH HAS BEEN DELIGNATED IN COURT HEARINGS TO BE RESOLVED WITHIN THE APPLICABLE PLAN DESIGNATED TIME FRAME.**

**ALL INQUIRIES MUST BE DIRECTED TO ME CONCERNING ALL EVIDENCE IN RELATION TO ABOVE CLAIM.**

**I AS A CREDITOR HAVE PREPARED THE NECESSARY EVIDENCE TO BE SUBMITTED FOR CONCLUSION OF REIVEW UNDER THE ABOVE PLAN.**

**CREDITOR THEREFORE DOES NOT RELEASE GMAC FROM APPLICABLE BANKRUPTCY RULES RULES UNDER THE RESOLUTIONS DESCRIBED UNDER THE PLAN AS SOON AS THEREAFTER.**

**REQUEST IS BEING MADE OF FINALIZING REVIEW OF ABOVE CLAIM IN THE DESCRIBED PRIORITY DESIGNATION OF TIME FRAME DESCRIBED WITHIN.**

**AS THIS CLAIM WAS TIMELY SUBMITTED UNDER LIABILITY PRESENTED THEREIN AWAITING RESOLUTION UNDER ABOVE PLAN, AS PRIOR REQUESTS HAVE BEEN MADE AS NOW, I AWAIT YOUR RESPONSE.**

**AS REVIEW DATE NEARS, YOUR PROMPT RESPONSE IS REQUESTED.**

**JULIO PICHARDO** *Julio Pichardo*

**CC: FILE**  
**N.Y.S.D.B.C**

*CLARISSA D. CY KCC*



- 1- UNFORTUNALLY RELIEF FROM STAY TO PREVENT PROPERTY TRANSFERENCE WAS DENIED
- 2- CAUSING FURTHER FINANCIAL CAOS TO OUR FAMILY.
- 3- ARMED WITH THIS INFORMATION, THE DEBTORS PREFERRRED TO REPRESENT
- 4- BEFORE THIS COURT THAT NO ACTION AGAINST THIS PROPERTY WAS EVER IN EFFECT.
- 5- INCLUSIVE I HAVE PRESENTED MY REASSERTION OF THIS CLAIM TO INSURE THAT
- 6- PROPER REVIEW BE DONE IN PERSUE OF RESOLUTION.
- 7- A STAY HAS BEEN OBSERVED IN GMAC ACTION, AND AS CREDITOR, REQUEST IS MADE
- 8- FOR IMMEDIATE REVIEW OF CLAIM NO. 452.
- 9- BY THESE MEANS I THEREFORE OPPOSE ANY FURTHER DELAY OF REVIEWS.
- 10- DEBTORS HAVE HAD SUFFICIENT TIME TO RESOLVE MY CLAIM YET THEY SHOW NO
- 11- INTENT TO REVIEW ANY TIME SOON. IS ABOUT TIME TO DEMAND DEBTORS COMPLY.
- 12- I HAVE OPPOSE EVERY CONSIDERATION TO BE MADE, AS GMAC NEVER SHOWED ANY
- 13- CONSIDERATIONS WHEN ACTING TO DESTROY OUR EXISTANCE.
- 14- TO DATE THIS COURT HAS SHOWN THAT ONLY DEBTORS SURVIVAL MATTERS
- 15- THIS TACTIC IS ANOTHER DEBTOR'S ATTEMPT TO DEPRIVE CREDITOR'S RIGHTS.
- 16- THE DEBTORS ASK THIS COURT TO JUMP THIS COURT ASKS "HOW HIGH?"
- 17- I NEED NOT TO REMIND THIS COURT THAT THESE MATTERS HAVE BEEN CARRIED ON FOR
- 18- SEVERAL YEARS BY DEBTORS UNINTERRUPTED BY ANYONE NO MATTER THE SITUATION.
- 19- IT HAS BEEN SHOWN THAT CREDITOR'S TACTICS OF DELAYING IS FURTHER FROM THE
- 20- TRUTH THAT THIS WOULD ADVANCE CREDITOR'S INTEREST.
- 21- THIS WILL BE CONTESTED IN APPEAL TO SHOW HOW THIS COURT GOES OUT OF IT'S WAY
- 22- TO ACCOMMODATE DEBTOR'S WIMBS, THERE'S A LIMIT TO WHAT THIS COURT IS WILLING
- 23- TO DO FOR COMPANIES THAT DESTROY ENTIRE FAMILIES WITHOUT CONSIDERATION.
- 24- SUBMITTED BY: JULIO PICHARDO Julio Pichardo (CREDITOR) CLAIM 452.

(2)

CC: K. Y. D. B. C.

CC: MORRISON & FREESTER

CC CLARISSA D GY KCC RES/CAP